

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CASBN 163973)
Chief, Criminal Division

JEFFREY R. FINIGAN (CASBN 168285)
JEFFREY RABKIN (CABN 189798)
Assistant United States Attorneys

450 Golden Gate Avenue
San Francisco, California 94102
Telephone: (415) 436-7232
Facsimile: (415) 436-7234
Email: jeffrey.finigan@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,
v.
JOHN BUI,)
Defendant.)
Criminal No. CR 3 09 70448 JL and
Criminal No. CR 3 09 70547 JCS

**STIPULATION AND [PROPOSED]
ORDER CONTINUING
APPEARANCE AND EXCLUDING
TIME**

On May 14, 2009, the above-referenced defendant was charged with false statements in violation of Title 18, United States Code, Section 1001, pursuant to a Complaint in case no. CR 3 09 70448 JL. On June 19, 2009, the above-referenced defendant was charged with witness tampering in violation of Title 18, United States Code, Section 1512(b)(3), pursuant to a Complaint in case no. CR 3 09 70547 JCS. Both cases were set for preliminary hearing or arraignment on an indictment before the Court on July 15, 2009. The defendant is represented by Mary McNamara, Esq. and the

1 government is represented by Jeffrey Finigan and Jeffrey Rabkin, Assistant United States
2 Attorneys.

3 The parties are informally exchanging information in an effort to potentially
4 resolve the matter pre-indictment and wish to continue the defendant's appearance on
5 July 15, 2009 to continue that process. In addition, the parties anticipate that the
6 defendant will be unavailable on July 15, 2009 due to a quarantine imposed at the facility
7 in which the defendant has been detained pending indictment. Accordingly, the parties
8 hereby stipulate that good cause exists and the defendant consents to extend the time
9 within which he must be indicted pursuant to Federal Rule of Criminal Procedure 5.1(d)
10 and Title 18, United States Code, Section 3161.

11 Moreover, the parties hereby agree to and request that the case be continued until
12 August 21, 2009, and that the time limits of Rule 5.1(c) and Title 18, United States Code,
13 Section 3161 be extended until then so that the parties may further review discovery and
14 discuss potential resolution.

15
16 DATED: July 13, 2009

MARY McNAMARA (JR)
MARY McNAMARA, ESQ.
Counsel for Defendant John Bui

19
20 DATED: July 13, 2009

Jeffrey Rabkin
JEFFREY RABKIN
Assistant U.S. Attorney

ORDER

For the reasons stated by the parties herein, it is hereby ORDERED that the appearance in both of the above-referenced cases on July 15, 2009, is **CONTINUED** to August 21, 2009, at 9:30 a.m. before the Honorable Bernard Zimmerman, U.S. Magistrate Judge. The Court finds that the ends of justice served by excluding the period from July 15, 2009 to August 21, 2009, outweigh the best interest of the public and the defendant in a speedy trial. *Id.* § 3161(h)(7)(A). Accordingly, and with the consent of the defendant, the Court orders that the period from July 15, 2009 to August 21, 2009, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

DATED: 7/14/07

United States Magistrate Judge

**Nandor J. Vadas
United States Magistrate Judge**